

AMENDED IN SENATE SEPTEMBER 2, 2003

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 16, 2003

AMENDED IN SENATE JULY 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1700

Introduced by Assembly Members Laird and Wiggins

February 25, 2003

An act to add Section 25353.5 to the Health and Safety Code, and to add Section 13177.7 to the Water Code, relating to hazardous substances, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1700, as amended, Laird. ~~Contaminated sites~~ *Military base remediation*: funding—~~remediation~~.

Existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act, imposes liability for hazardous substance removal or remedial actions and requires the Department of Toxic Substances Control to adopt, by regulation, criteria for the selection and for the priority ranking of hazardous substance release sites for removal or remedial action under the act. The act authorizes the department to expend the funds in the Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances. Existing law generally requires the Controller to

abolish any state position that is vacant for 6 consecutive months on the following July 1.

This bill would prohibit the Controller and the Director of Finance from eliminating any *direct or indirect* position funded through an agreement with a responsible party or by a federal grant that does not require a state match funded from the General Fund, that provides oversight associated with remediation and hazardous substance management at military bases, including closed military bases. The bill would also prohibit the Controller and the Department of Finance from imposing any hiring freeze or personal services limitations, including any position reductions, upon any *direct or indirect* position of the department funded in those manners and that provides those services, and would require the Controller and the Department of Finance to exclude, from the department's base for purposes of calculating any budget or position reductions required by any state agency or state law, the specific amounts and *direct or indirect* positions that are funded in those manners and provide those services. The bill would also prohibit the Controller and the Department of Finance from requiring the department to reduce authorized positions or other appropriations for other department programs, including personal services, to implement those prohibitions and requirements.

~~The bill would authorize the department to establish positions to avoid undue delays in the department's oversight activities associated with remediation and hazardous substance management at military bases, that are funded by a responsible party or by a federal grant that does not require a state match funded from the General Fund.~~ The bill would also require the Controller, upon request of the department, and upon review and approval by the Department of Finance, to augment any Budget Act appropriations, except for appropriations from the General Fund, necessary to implement these provisions. The bill would provide that these provisions do not apply to any department appropriation or expenditure of General Fund moneys.

The bill would also impose similar restrictions and requirements upon the Controller and the Department of Finance with regard to any *direct or indirect* position of the State Water Resources Control Board funded through an agreement with a state agency *for which no General Fund moneys are spent to fund the position* or responsible party or by a federal grant that does not require a state match funded from the General Fund, related to oversight associated with remediation at military bases, including closed military bases.



Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25353.5 is added to the Health and
2 Safety Code, to read:
3 25353.5. (a) (1) Notwithstanding Section 12439 of the
4 Government Code, the Controller may not eliminate any *direct or*
5 *indirect* position that provides oversight and related support of
6 remediation and hazardous substance management at a military
7 base, including a closed military base, that is funded through an
8 agreement with a party responsible for paying the department's
9 costs, and may not eliminate any direct or indirect position that is
10 funded by a federal grant that does not require a state match funded
11 from the General Fund.
12 (2) Notwithstanding any other provision of law, including
13 Section 4.10 of the Budget Act of 2003, for the 2003–04 and
14 2004–05 fiscal years, the Director of Finance may not eliminate
15 any *direct or indirect* position that provides oversight and related
16 support of remediation and hazardous substance management at a
17 military base, including a closed military base, that is funded
18 through an agreement with a party responsible for paying the
19 department's costs, and may not eliminate any direct or indirect
20 position that is funded by a federal grant that does not require a
21 state match funded from the General Fund.
22 (b) Neither the Controller nor the Department of Finance may
23 impose any hiring freeze or personal services limitations,
24 including any position reductions, upon any *direct or indirect*
25 position of the department that provides oversight and related
26 support of remediation and hazardous substance management at a
27 military base, including a closed military base, that is funded
28 through an agreement with a party responsible for paying the
29 department's costs, or on any direct or indirect position that is
30 funded by a federal grant that does not require a state match funded
31 from the General Fund.
32 (c) The Controller and Department of Finance shall exclude,
33 from the department's base for purposes of calculating any budget
34 or position reductions required by any state agency or any state
35 law, the specific amounts and *direct or indirect* positions that

1 provide oversight and related support of remediation and
2 hazardous substance management at a military base, including a
3 closed military base, that are funded through an agreement with a
4 party responsible for paying the department's costs, and shall
5 exclude the specific amounts and any direct or indirect positions
6 that are funded by a federal grant that does not require a state match
7 funded from the General Fund.

8 (d) Notwithstanding any other provision of law, neither the
9 Controller nor the Department of Finance may require the
10 department to reduce authorized positions or other appropriations
11 for other department programs, including personal services, to
12 replace the reductions precluded by subdivisions (a), (b), and (c).

13 ~~(e) The department may administratively establish any~~
14 ~~position that provides oversight and related support of remediation~~
15 ~~and hazardous substance management at a military base, including~~
16 ~~a closed military base, that is funded through an agreement with~~
17 ~~a party responsible for paying the department's costs, and may~~
18 ~~administratively establish any direct or indirect position that is~~
19 ~~funded by a federal grant that does not require a state match funded~~
20 ~~from the General Fund, in order to avoid an undue delay in any of~~
21 ~~those activities.~~

22 ~~(f)~~

23 (e) Notwithstanding any other provision of law, upon the
24 request of the department, and upon review and approval by the
25 Department of Finance, the Controller shall augment any Budget
26 Act appropriations, except for appropriations from the General
27 Fund, necessary to implement this section.

28 ~~(g)~~

29 (f) (1) This section does not apply to any department
30 appropriation or expenditure of General Fund moneys.

31 (2) *This section does not limit the authority of the Department*
32 *of Finance to eliminate a position when funding for the position,*
33 *through an agreement with a party or by a federal grant, is no*
34 *longer available.*

35 SEC. 2. Section 13177.7 is added to the Water Code, to read:
36 13177.7. (a) (1) Notwithstanding Section 12439 of the
37 Government Code, the Controller may not eliminate any *direct or*
38 *indirect* position that provides oversight and related support of
39 remediation at a military base, including a closed military base,
40 that is funded *without General Fund moneys* through an agreement

with a state agency ~~or~~, *or that is funded through an agreement with* a party responsible for paying the state board's costs, and may not eliminate any direct or indirect position that is funded by a federal grant that does not require a state match funded from the General Fund.

(2) *An agreement with a state agency subject to this section may not require the use of a state matching fund from the General Fund by that agency.*

(3) Notwithstanding any other provision of law, including Section 4.10 of the Budget Act of 2003, the Director of Finance may not eliminate any *direct or indirect* position that provides oversight and related support of remediation at a military base, including a closed military base, that is funded through an agreement with a state agency or party responsible for paying the state board's costs, and may not eliminate any direct or indirect position that is funded by a federal grant that does not require a state match funded from the General Fund.

(b) Neither the Controller nor the Department of Finance may impose any hiring freeze or personal services limitations, including any position reductions, upon any *direct or indirect* position of the state board that provides oversight and related support of remediation at a military base, including a closed military base, that is funded through an agreement with a state agency or party responsible for paying the state board's costs, or on any direct or indirect position that is funded by a federal grant that does not require a state match funded from the General Fund.

(c) The Controller and the Department of Finance shall exclude, from the state board's base for purposes of calculating any budget or position reductions required by any state agency or any state law, the specific amounts and *direct or indirect* positions that provide oversight and related support of remediation at a military base, including a closed military base, that are funded through an agreement with a state agency or party responsible for paying the state board's costs, and shall exclude the specific amounts and any direct or indirect positions that are funded by a federal grant that does not require a state match funded from the General Fund.

(d) Notwithstanding any other provision of law, neither the Controller nor the Department of Finance may require the state board to reduce authorized positions or other appropriations for

1 other state board programs, including personal services, to replace
2 the reductions precluded by subdivisions (a), (b), and (c).

3 ~~(e) The state board may administratively establish any position~~
4 ~~that provides oversight and related support of remediation at a~~
5 ~~military base, including a closed military base, that is funded~~
6 ~~through an agreement with a state agency or party responsible for~~
7 ~~paying the state board's costs, and may administratively establish~~
8 ~~any direct or indirect position that is funded by a federal grant that~~
9 ~~does not require a state match funded from the General Fund, in~~
10 ~~order to avoid undue delay in any of those activities, if all~~
11 ~~employee compensation, personal services, and related costs,~~
12 ~~including increases in personal services expenses resulting from~~
13 ~~collective bargaining, are fully funded by a party responsible for~~
14 ~~the remediation of a military base or a Department of Defense~~
15 ~~State Memorandum Agreement grant.~~

16 ~~(f)~~

17 (e) Notwithstanding any other provision of law, upon the
18 request of the state board, and upon review and approval of the
19 Department of Finance, the Controller shall augment any Budget
20 Act appropriations, except for appropriations from the General
21 Fund, necessary to implement this section.

22 ~~(g)~~

23 (f) (1) This section does not apply to any state board
24 appropriation or expenditure of General Fund moneys.

25 (2) *This section does not limit the authority of the Department*
26 *of Finance to eliminate a position when funding for the position,*
27 *through an agreement with a party or by a federal grant, is no*
28 *longer available.*

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30 CORRECTIONS

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